

Appl. No. 10/627,267
Amdt. Dated April 25, 2005
Reply to Office Action of November 23, 2004

...REMARKS/ ARGUMENTS...

The Official Action of November 23, 2004 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, the limitations of claim 2 have been incorporated into claim 1 and claim 2 has accordingly been canceled.

In addition, the limitations of claim 4 have been incorporated into claim 3 and claim 4 has accordingly been canceled.

Claim 5 has been amended in the manner courteously suggested by the Examiner and further amended to depend from claim 3.

Entry of the changes to the claims is respectfully requested.

Claims 1, 3 and 5 are pending in this application.

On page 2 of the Office Action the Examiner has objected to the specification for failing to provide antecedent basis for the limitations previously found in claim 4. The Examiner has noted applicant's disclosure at page 24, lines 17-20.

The Examiner will note that the page 24, lines 17-20 are directed to the amount of an amino-group containing compound that can be added to suppress borate ester hydrolysis of the antistatic agent.

However, claim 4 is directed to a plastic resin composition that only contains 0.1-10 parts

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by weight of the antistatic agent of claim 1.

Support for the limitations of claim 4 can be found in the original claim 4.

Also on page 2 of the Office Action the Examiner rejected claim 5 under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner suggested claim language for claim 5 which applicant has adopted herein.

Claims 1-5 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending application serial no. 10/627,266 as evidenced by Nunn, Jr. et al.

In response to the provisional obviousness-type double patenting rejection which was repeated from the Official Action mailed May 17, 2004, applicant filed a Terminal Disclaimer on January 17, 2004 in which the terminal part of any patent issuing on the present application which would extend beyond the term of any patent issuing on co-pending application serial no. 10/627,266 was disclaimed.

The undersigned has verified from the PTO's PAIR system that the Terminal Disclaimer was received by the Examiner.

It is submitted that the Terminal Disclaimer overcomes the obviousness-type double patenting rejection of the claims.

Claim 1 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,316,287 or G.B. 1,090,565 both to Nunn, Jr. et al.

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The Nunn, Jr. et al. references were not relied upon to reject claims 2-5.

Accordingly, inasmuch as the limitations of claim 2 have been incorporated into independent claim 1, it is submitted that independent claim 1 and claim 3 which depends therefrom are free from any prior art rejections, it being noted that the prior art of record does not teach the use of an amino group-containing compound which applicant has discovered gives excellent effects on the release agent of the present invention.

Likewise, inasmuch as the limitations of claim 4 have been incorporated into claim 3, it is submitted that claim 3 and claim 5 which depends therefrom are further free from any prior art rejections. (It being noted that claim 3 also depends from claim 1.)

Entry of the present Amendment and an early allowance of the claims are earnestly solicited.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

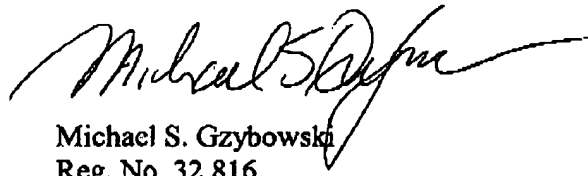
If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including

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extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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